Amended

March 28, 2024

H. 4158

Introduced by Reps. Pendarvis, M.M. Smith, Bauer, King, Henderson-Myers, Gilliard, Rivers, Jefferson, Henegan and Williams

S. Printed 03/28/24--H. [SEC 4/2/2024 2:38 PM]

Read the first time March 15, 2023

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A bill

TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 27‑40‑350 SO AS TO PROVIDE THAT RESIDENTIAL TENANTS WHO ARE VICTIMS OF CERTAIN DOMESTIC VIOLENCE MAY TERMINATE A RENTAL AGREEMENT AND TO PROVIDE FOR NECESSARY REQUIREMENTS.

Amend Title To Conform

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Article 1, Subarticle IV, Chapter 40, Title 27 of the S.C. Code is amended by adding:

Section 27‑40‑350. (A) If a residential tenant is a protected tenant, the tenant may:

(1) terminate the protected tenant’s obligations under a rental agreement within sixty days of the date of the documented qualifying incident; and

(2) not be held liable for penalties or fees that might otherwise be imposed for the termination of the protected tenant’s obligations under a rental agreement within sixty days of the documented qualifying incident.

(B) A protected tenant shall provide the landlord with written notice of the intent to terminate the protected tenant’s obligations under a rental agreement within sixty days after the documented qualifying incident provided the protected tenant relinquishes all legal rights of possession to the premises. The protected tenant is still responsible for paying rent and other amounts owed, other than any fees imposed for early termination of the rental agreement.

(C) The protected tenant’s obligations as a tenant must continue through the effective date of the termination. Any cotenants on the lease with the protected tenant shall remain responsible for the rent for the balance of the term of the rental agreement. If the perpetrator is the remaining sole tenant obligated on the rental agreement, the landlord may terminate the rental agreement with five days’ written notice and collect actual damages for such termination against the perpetrator.

(D) A landlord:

(1) may not require or force the protected tenant to vacate the residence before the expiration of the thirty days authorized by this section, but may enter into an agreement with the protected tenant to terminate the protected tenant’s obligations under a rental agreement earlier than what is required pursuant to this section; and

(2) is entitled to all remedies available arising from the destruction or damage of the rental unit caused by the protected tenant or permitted by the protected tenant while on the premises with the protected tenant’s permission.

(E) A landlord may not take any retaliatory action against a protected tenant in response to the early termination of the protected tenant’s obligations under a rental agreement pursuant to this section.

(F) A landlord may not terminate a tenancy, fail to renew a tenancy, refuse to enter into a rental agreement, or otherwise retaliate in the rental of a dwelling based substantially on:

(1) the tenant, applicant, or a household member's status as a protected tenant; or

(2) the tenant or applicant having terminated a rental agreement under Section 27-40-350.

SECTION 2. Section 27-40-210 of the S.C. Code is amended by adding:

(19) “protected tenant” means a tenant or household member who is a victim of a qualifying incident.

(20) “qualifying incident” means domestic abuse or violence as defined by Chapter 4 of Title 20 or Chapter 25 of Title 16 wherein both the victim and the perpetrator are leaseholders on the same property and the domestic abuse or violence is document by a restraining order or an order of protection or the perpetrator has been convicted of the domestic violence or abuse

SECTION 3. This act takes effect upon approval by the Governor.

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